

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-266-T - ORDER NO. 2006-299
MAY 18, 2006

IN RE: Application of Kenneth M. Ellis d/b/a A & T)	ORDER DISMISSING
Specialty Movers for a Class E (HHG))	APPLICATION AND
Certificate of Public Convenience and)	RESCINDING
Necessity.)	AUTHORITY

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of the Office of Regulatory Staff (ORS) to dismiss the Application of Kenneth M. Ellis d/b/a A & T Specialty Movers (A & T Specialty or the Applicant) as the result of the failure of the Applicant to comply with certain rules of this Commission relative to the instant docket.

A review of the docket file reveals that A & T Specialty was granted authority to provide moving services of household goods in South Carolina under a Class E Certificate of Public Convenience and Necessity (Certificate) by Order No. 2005-470, dated September 7, 2005. In Order No. 2005-470, the Commission directed the Applicant to file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission.

Further, Order No. 2005-470 instructed the Applicant that the failure to either complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, would result in the Applicant's authorization approved in Order No. 2005-470 being revoked. A & T Specialty failed to comply with Order No. 2005-470, and the Commission dismissed the Application of A & T Specialty and rescinded A & T Specialty's authority by Order No. 2006-14, issued January 19, 2006. However, on January 27, 2006, the Commission rescinded Order No. 2006-14 and granted A & T Specialty an extension to come into compliance with Order No. 2005-470. Lastly, the Commission issued Order No. 2006-200 on March 31, 2006, which granted A & T Specialty another extension, until April 24, 2006, to comply with the Commission's rules and regulations set forth in Order No. 2005-470.

By letter dated May 8, 2006, the ORS requests that the Commission deny the Application of A & T Specialty stating that the Applicant had failed to comply with the Commission's rules and regulations. According to the ORS, as of May 8, 2006, A & T Specialty had not provided the ORS with the completed Form E indicating that the Applicant had obtained the necessary insurance to operate as a Class E motor carrier. ORS asserts that the Applicant has been afforded ample time and opportunity to file all necessary documents for compliance with the Commission's rules and regulations set forth in Order No. 2005-470.

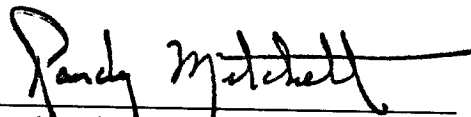
After due consideration of the request of the ORS, the Commission is of the opinion, and so finds, that its previous Order No. 2005-470 granting A & T Specialty

authority to transport household goods under a Class E Certificate should be rescinded and that the Application herein should be dismissed. The Applicant's compliance with filing requirements was clearly expressed as a condition precedent to receipt of the Certificate and to the performance of the services authorized by Order No. 2005-470.

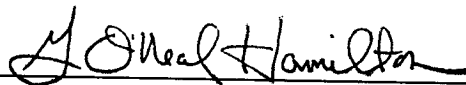
IT IS THEREFORE ORDERED:

1. That the Application of Kenneth M. Ellis d/b/a A & T Specialty Movers for a Class E Certificate of Public Convenience and Necessity is dismissed.
2. That Commission Order No. 2005-470, dated September 7, 2005, granting Kenneth M. Ellis d/b/a A & T Specialty Movers authority to operate under a Class E Certificate of Public Convenience and Necessity is rescinded.
3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSON:


Randy Mitchell, Chairman

ATTEST:


G. O'Neal Hamilton, Vice Chairman

(SEAL)